



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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		§ DOCKET	
		§ NUMBER:	MGER.79172/03
SERIAL		§	
NUMBER:	09/936,682	§ ART UNIT:	2671
		§	
FILING DATE:	SEPTEMBER 17, 2001	§	
		§	
FOR:	SYSTEM AND METHOD FOR ANALYZING AND IMAGING THREE-DIMENSIONAL VOLUME DATA SETS	§ EXAMINER:	LYNZY MCCARTNEY
		§	
		§	
		§	

Commissioner of Patents  
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37 C.F.R. § 1.31 DECLARATION OF PRIOR  
INVENTION IN THE UNITED STATES

This Declaration is to establish completion of the invention claimed in the above-captioned application in the United States prior to the date international application PCT/US00/29835 was published (WO 00/14574) under the Patent Cooperation Treaty on March 16, 2000.

1. The invention defined by the above-referenced Application (Claims 23-43) is directed to a method (Claims 23-32) and device (Claims 33-43) for defining a surface representative of a physical phenomenon—like geological faults as described more fully in the Application at pages 38-40.

2. As documented by the “EZFaultCode” control record attached hereto as Exhibit A, the subject matter found in Claims 23-26 and Claims 33-35 was reduced to code and practiced in the United States before March 1, 2000. The control record was created before

March 1, 2000 as the EZFault code was initially run and later modified. According to the attached control record, the portion of the EZFault code referred to by name as CubicBezierCurve.c++ and CubicBezierCurve.h (pages 1-3) performed the methods described in Claim 23, which was modified before March 1, 2000 to perform the methods described in Claims 24-26 and Claims 33-35. The modified portion of the EZFault code that performs the methods described in Claims 24-26 and Claims 33-35 is referred to by name as CubicBezierPatch.c++ and CubicBezierPatch.h (pages 3-4).

3. The invention defined by Claims 23-43, which is referred to as the 'ezFault' feature in GeoProbe 2.5, was not released to the public for commercial distribution (use or license) until after October 30, 2000. See Exhibit B.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 8 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURES

### A. Inventor(s):

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